

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Missing of "C" Forms in the O/o. the Deputy Commissioner, Commercial Taxes, Adilabad - Disciplinary proceedings under rule 20 read with rule 24 of A.P.C.S (CC&A) Rules initiated against Smt. B. Malathi, Junior Assistant & 3 others - Enquiry conducted - Punishment of withholding of two annual grade increments with cumulative effect against Smt. B. Malathi, Junior Assistant - Imposed - Orders - Issued.

REVENUE (VIGILANCE - I) DEPARTMENT

G.O.Rt.No. 269

Dt:16-02-2012.

Read the following :

1. From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No. VI/932/2007, Dt: 2.8.2007.
 2. G.O.Rt.No.2723, Revenue (Vig. I) Dept. Dt: 18.12.2007.
 3. Sri M.A.M. Siddiqui, AC (CT) (Int.), Adilabad, written statement of defence dt.11.01.2008.
 4. Sri M.V. Ramana Murthy, CTO, Nirmal written statement of defence dt.22.01.2008.
 5. Sri T. Prabhakar, Manager, O/o. the DC (CT), Adilabad written statement of defence dt.24.03.2008.
 6. Smt. B. Malathi, Junior Assistant, O/o. the DC (CT), Adilabad written statement of defence dt.10.01.2008.
 7. G.O.Rt.No.882, Revenue (Vig. I) Department, Dated 15.4.2008.
 8. G.O.Rt.No.421, Revenue (Vig. I) Dept. Dt: 19.3.2010.
 9. Enquiry Report in Ref. JC (CT) (Legal Affairs) / Peshi-1/2008, Dt: 19.5.2010.
 10. G.O.Rt.No.891, Revenue (Vig. I) Department, Dt: 23.6.2010.
 11. Govt. Memo No. 43312/Vig. I(1)/2007-6, Revenue (Vig. I) Dept. Dt: 23.6.2010.
 12. From Smt. B. Malathi, Junior Assistant, O/o the Dy.Commr. CT, Adilabad, representation dated: 5.2.2011.
 13. From Sri M.V. Ramana Murthy, CTO, representation dated 26.8.2011.
 14. G.O.Rt.No.1273, Revenue (Vig. I) Department, Dated 24.10.2011.
 15. From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No. V1/932/2007. dated 9.12.2011.
 16. Govt. Letter No. 43312/Vig. I(1)/2007-11, Rev. (Vig. I) Dept. Dt: 31.12.2011.
 17. From the Secretary, A.P. Public Service Commission, Letter No.119/RT-I/3/2012, Dated 19.1.2012.
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ORDER:

In the reference 2nd read above, Government have initiated common disciplinary proceedings under rule 20 read with rule 24 of APCS (CC&A) Rules, 1991 by framing charges against the following four Accused Officers; as

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they are responsible for missing of "C" forms in the O/o. the Deputy Commissioner, Commercial Taxes, Adilabad / slack supervision in discharging duties :

- 1) Sri M.A.M. Siddiqui, Assistant Commissioner (CT) (Intelligence), Adilabad.
- 2) Sri T. Prabhakar, Manager, Office of the Deputy Commissioner (CT), Adilabad.
- 3) Sri M.V. Ramana Murthy, Commercial Tax Officer;
- 4) Smt. B. Malathi, Junior Assistant, Office of the Deputy Commissioner (CT), Adilabad.

2. The four Charged Officers were directed to submit their written statements of defence and accordingly, they have submitted their written statements of defence vide references 3rd to 6th read above respectively. After examination, Government have appointed Sri P. Jakaraiah, Joint Commissioner, CT (LA), O/o. the Commissioner of Commercial Taxes, A.P, Hyderabad, as the Inquiring Authority to conduct inquiry into the matter, vide reference 7th read above. Further vide reference 8th read above, orders have also been issued appointing Sri K. Anantam, Deputy Commissioner (Dis.Proceedings-II), O/o. the Commissioner of Commercial Taxes, A.P, Hyderabad as Presenting Officer to present the case before the Inquiring Authority.

3. In the reference 9th read above, the Enquiry Officer has furnished inquiry report holding that the charges framed against the Charged Officers 1 & 2 are not held proved; and the Charges leveled against the Charged Officers 3 & 4 viz., Sri M.V. Ramana Murthy, Commercial Tax Officer and Smt. B. Malathi, Junior Assistant are held proved.

4. In the reference 10th read above, Government dropped further action against (1) Sri M.A.M. Siddiqui, Asst. Commissioner, CT (Retd.) and (2) Sri T. Prabhakar Manger, O/o. the Deputy Commissioner, C.T., Adilabad, as they are not found guilty.

5. In respect of Sri M.V. Ramana Murthy, Commercial Tax Officer and Smt. B. Malathi, Junior Assistant, copy of the enquiry report was communicated directing them to submit their representations on the findings of the Enquiry Officer, vide reference 11th read above. Accordingly, both the Delinquent Officer submitted their representations vide references 12th and 13th read above respectively. In respect of Sri M.V. Ramana Murthy, Commercial Tax Officer, Government after examination of the matter, imposed a penalty of stoppage of two annual grade increments without cumulative effect against him, vide reference 14th read above, as his representation was found not convincing.

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6. In the reference 12th read above, Smt. B. Malathi, Junior Assistant, has submitted her representation stating that she used to keep the "C" forms in the almyrah of Sri K. Laxma Reddy, Senior Assistant and the Commercial Tax Officer, Nirmal sent a "C" form bearing No. 828402 issued in favour of Krishna Hardware, Adilabad for verification to their office, which was recovered from a lorry driver. On verification of stocks, it was found that (2) C forms books from Sl.No. 828301 to 828400 and from Sl.No.828401 to 828500 (ie., total 200 C forms), which were in her custody were not found in the almyrah. Immediately, she reported the matter to the Deputy Commissioner, CT, Adilabad on 27.4.2007. With regard to missing 100 C forms, she has stated that, as per the instructions of the Deputy Commissioner, C.T, Adilabad, the sealed boxes were shifted to dealer service centre in the office on 1.5.2007 and while she was leaving the office at about 6.00 PM on 1.5.2007, the boxes were sealed; and on 2.5.2007, when she was entering into the office room, she found that the sealed box of "C" forms was found opened. Immediately, she reported the matter to the Manager and the Deputy Commissioner, C.T, Adilabad and on their instructions, when verified, one book of "C" forms (containing 100 in no.) was found missing. She has stated that there is no negligence on her part and a complaint was also lodged in Police Station, Adilabad I-Town about the theft of "C" forms and finally requested to consider her representation sympathetically and withdraw the proposed punishment against her.

7. Government have examined the matter keeping in view the findings of Enquiry Officer and observe that the charge framed against Smt. B. Malathi, Junior Assistant is relating to her negligent attitude which resulted in theft of 300 C forms in the O/o. the Deputy Commissioner, C.T, Adilabad. In her earlier explanation dt:10.1.2008 ie, in the reference 6th read above, she stated that she issued 300 C forms with Sl.No.0828001 to 0828300 on 21.7.2006; again 1000 C forms with Sl.No. 0828501 to 0829500 to the Commercial Tax Officer, Mancherial on 21.11.2006. The 200 C forms, which were found missing in her almyrah are from Sl.Nos.0828301 to 0828500. The fact of missing "C" forms came to light only after the vehicle check conducted by the Commercial Tax Officer, Nirmal on 16.4.2007 and after knowing the same and verifying the same from her Almyrah only she reported about missing of C forms to the Deputy Commissioner, C.T, Adilabad on 27.4.2007. But it is surprising that she could not notice the missing of C forms when she was issuing the 1000 "C" forms from Sl.Nos.0828501 onwards on 21.11.2006. Hence, her negligence in discharging official duties, particularly with reference to due accounting of an important document like blank "C"-Forms, which have a potential of being misused, stands proved, as held by the Enquiry Officer.

8. Government have therefore provisionally decided to impose a penalty of stoppage of two increments with cumulative effect against Smt. B. Malathi, Junior Assistant, O/o. the Deputy Commissioner, C.T, Adilabad under clause (vi) of rule 9 of A.P.C.S (CC&A) Rules, 1991 and addressed the A.P. Public Service Commission for their concurrence. In the reference 17th read above, the Secretary, A.P.Public Service Commission has communicated the consent of the Commission to impose the above penalty against the individual.

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9. Government, after careful examination of the matter hereby impose the punishment of withholding of two annual grade increments with cumulative effect against Smt. B. Malathi, Junior Assistant under clause (vi) of rule 9 of A.P.C.S (CC&A) Rules, 1991. Copy of the advice of the A.P. Public Service Commission dt: 19.1.2012, as required under rule 23 of APCS (CC&A) Rules, 1991 is herewith furnished to the individual.

10. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Smt. B. Malathi, Junior Assistant,
O/o. the Deputy Commissioner, CT, Adilabad (w.e).
through the Commissioner of Commercial Taxes, A.P, Hyderabad.
The Commissioner of Commercial Taxes, A.P, Hyderabad
(with a request to serve the G.O on the individual and send the served copy with dated signature to Government)
Copy to:
The Secretary, A.P. Public Service Commission, Hyderabad.
The Revenue (CT.II) Department.
PS to Prl. Secretary to Government, Revenue Department.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER